IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.195 OF 2001**

General Employees Association...Petitioner

Vs.

M/s.Rashtriya Chemicals &

Fertilizers Ltd. ..Respondents

Mr. Suresh S. Pakale, for the Petitioners

Ms.Swati Deshpande i/b. M.S. Bodhanwala & Co., for

respondent No.1.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 7TH NOVEMBER,2006

P.C.

. Rule. Heard forthwith.

2. The relief as prayed for in the petition cannot be granted. However, it is open to this Court considering the nature of the controversy to mould the relief. In the instant case it is admitted by the parties that the Appropriate Government by a notification has prohibited the employment of contract labour in the category of work in which the workmen represented by the petitioners were employed. The law, however, is settled that by merely abolishing the contract labour does not ipso facto give a right to the workmen to be regularised. That exercise will have to be done on an appropriate reference by the Industrial Tribunal.

3. In the instant case the petitioners have moved the Conciliation Officer. A failure report has been submitted on 16th November, 2004. On 16th December, 2004 a learned Bench of this Court had passed an order directing the Appropriate Government to take a decision on or before 10th January, 2005. It appears till date no decision has been taken nor appearance has been put up on behalf of the Central Government explaining as to what has happened. Prima facie the Central Government is in contempt of the order of this Court. However, we do not propose for the present to take any action in view of the direction to be issued:-

1. The Respondent No.3 within twelve weeks from today to act on the failure report submitted by the Conciliation Officer.

2. Till such time and for a period of twelve weeks thereafter the respondent Nos. 1 and 2 to maintain status quo as existing today.

3. Rule made absolute accordingly. No order as to costs.

(**F.I. REBELLO, J)**

(**ANOOP V. MOHTA J).**